

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

CHRIS PRESTON
Councilmember at Large Position 2



YOLANDA FORD
Councilmember District A

DON SMITH
Mayor Pro Tem
Councilmember District B

ANTHONY G. MAROULIS
Councilmember District C

FLOYD EMERY
Councilmember District D

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, December 7, 2015, at 7:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND RECOGNITIONS

- (a) Recognition of Communications Team for earning a TAMIO Award of Excellence for brand marketing of the City's Small Business Policy and 13 Telly Awards, which honor outstanding local, regional and national cable television video programs and productions.

4. PUBLIC COMMENTS

An opportunity for the public to address City Council on agenda items or concerns not on the agenda- those wishing to speak must complete the orange comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.

5. STAFF REPORTS

- (a) Community Center Project remodel update.

6. CONSENT AGENDA

All consent agenda items listed are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember so requests; in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- (a) Consider approving the minutes of the regular City Council meeting of November 16, 2015.
- (b) Consider an ordinance amending Chapter 78, Solid Waste, of the Missouri City Code; amending rules and regulations related to solid waste; providing a penalty; and consider the ordinance on the second and final reading.

7. PUBLIC HEARINGS AND RELATED ACTIONS

- (a) **Zoning Public Hearings and Ordinances** – *There are no Zoning Public Hearings and Ordinances on this agenda.*

- (b) **Public Hearings and related actions**

- (1) Public hearing to receive comments for or against certain city residential and commercial solid waste and recyclable material collection rates; consider a

resolution adopting a schedule of fees for city residential and commercial solid waste and recycling collection services; and providing an effective date.

- (2) Public hearing to receive comments for or against the proposed levy of assessments on certain residential lots within Section 6, Lake Shore Harbour subdivision, for public improvements in Public Improvement District No. 2, and consider an ordinance levying the same on the first of two readings.

8. APPOINTMENTS

- (a) Consider appointing members to the board of directors for each tax increment reinvestment zone.

9. AUTHORIZATIONS

- (a) Consider authorizing the award of a term contract for car rental services.
- (b) Consider authorizing the purchase of chemical materials through an interlocal agreement with Fort Bend County.
- (c) Consider authorizing the purchase of earthen road materials through an interlocal agreement with Fort Bend County.

10. ORDINANCES – *There are no Ordinances on this agenda.*

11. RESOLUTIONS

- (a) Consider a resolution granting consent to Fort Bend County Municipal Utility District No. 129 to annex certain land situated within the extraterritorial jurisdiction of the City of Missouri City.
- (b) Consider a resolution granting consent to Fort Bend County Levee Improvement District No. 19 to annex certain land situated within the extraterritorial jurisdiction of the City of Missouri City.
- (c) Consider a resolution designating certain officials to maintain a city account or accounts with Amegy Bank National Association and containing other provisions relating to the subject.
- (d) Consider a resolution designating certain officials to maintain the account with Amegy National Bank Association for the City of Missouri City Nonprofit Trust for the payment of certain employee benefits and containing other provisions relating to the subject.

12. CITY COUNCIL ANNOUNCEMENTS

Discussion, review, and possible action regarding a meeting or activity of one or more of the following entities (each entity refers to a City of Missouri City entity unless otherwise indicated):

Charter Review Commission, Community Development Advisory Committee, Construction Board of Adjustments, Electrical Board, Parks Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone Boards, Fort Bend Chamber of Commerce, Houston-Galveston Area Council, Fort Bend Regional Council, Texas Municipal League, Fort Bend County, Harris County, Gulf Coast Building and Construction Trades Council, Mayor's Youth Commission, Finances and Services Committee, Fort Bend Leadership Forum, Fort Bend County Drainage District, Economic Development Committee, Missouri City Police and Fire Auxiliary, Livable Community Committee, Texas Parkway Alliance, High Performance Organization Committee, Missouri City Juneteenth Celebration Foundation, Fort Bend County Mayor and Council Association, METRO, Planning, Development and Infrastructure Committee, Fort Bend Independent School District, Greater Fort Bend Economic Development Coalition, Transportation Policy Council, Community Development Advisory Committee, Technical Advisory Committee, Veterans Memorial Committee, Missouri

City Recreation and Leisure Local Government Corporation, Missouri City Development Authority, Greater Houston Partnership and Emergency Management Updates.

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

14. RECONVENE

Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Gonzalez, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the December 7, 2015, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on December 4, 2015, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2015.

Signed: _____ Title: _____



**Council Agenda Item
December 7, 2015**

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2. PLEDGE OF ALLEGIANCE

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CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, November 16, 2015**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:07 p.m.

Those also present: Mayor Pro Tem Smith, Councilmembers Wyatt, Preston, Ford, Maroulis and Emery; Interim City Manager Atkinson, City Attorney Iyamu and City Secretary Gonzalez.

2. The PLEDGE OF ALLEGIANCE was led by Assistant Director of Public Works Valiante.

Mayor Owen requested a moment of silence for the tragic events that occurred in Paris, France on Friday, November 13, 2015.

3. PRESENTATIONS AND RECOGNITIONS

City Forester Wierzbicki and the Missouri City Green presented the third quarter Golden Tree Award to Lake Olympia Animal Hospital for demonstrating outstanding landscaping around their Missouri City business. Captain Williams and Fire Chief Sander invited everyone to the ongoing Stuff the Squad Car and Fire Truck food drive event. Recreation Superintendent Mize and Recreation Supervisor Valeri presented the Family Fun Night - Bike Missouri City event.

There were no **PUBLIC COMMENTS**.

5. STAFF REPORTS

Police Chief Berezin presented crime prevention tips for the holiday season.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meetings of November 2, 2015, and the special City Council meetings of November 5, 2015 and November 11, 2015.
- (b) Consider an ordinance to rezone an approximate 0.45 acre tract of land from SD suburban district to LC-3 retail district; amending the Comprehensive Plan, as applicable; and consider the ordinance on the second and final reading. The subject site is located along Sienna Ranch Road; southeast of Sonic Drive-in restaurant and northeast of Children's Lighthouse day care facility.
- (c) Consider an ordinance to allow for the development of a place of assembly—religious facility; amending the Comprehensive Plan, as applicable; and consider the ordinance on the second and final reading. The subject site is located north of Knights Court; south of Colony Lakes residential subdivision; east of Elkins High School campus; and west of The Center at Knights Court shopping center.

- (d) Consider an ordinance amending Chapter 86, Utilities, of the Missouri City Code; amending regulations regarding reclamation districts, water control and improvement districts, and municipal utility districts; and consider the ordinance on the second and final reading.
- (e) Consider awarding a contract for the provision of physical examinations for firefighters.

Councilmember Emery moved to approve all Consent Agenda items pursuant to recommendations by City Staff. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

There were no **Zoning Public Hearings and Ordinances** or **Public Hearings and related actions**.

8. APPOINTMENTS

- (a) Consider appointing a city manager and authorizing the Mayor to negotiate and execute an agreement related thereto.

Councilmember Ford questioned the contract offered to Mr. Snipes, as she believed Council as a whole did not agree on what was presented to the applicant. Ford questioned Section 2E, the term and trial basis; Section 7A, an evaluation in 90-days; and, the no severance for 90-days. Mayor Owen clarified the trial basis of 90-days provides Mr. Snipes with the opportunity to decide whether the job was a right fit and gives Council the opportunity to decide if he would be a right fit without a big commitment. Mayor Owen stated the 90-day trial provides the applicant with measurable performance indicators from City Council once he comes on board on December 1, 2015.

Mayor Pro Tem Smith inquired if they would now have 90-day trial periods for the city manager position. Mayor Owen recommends moving forward with the 90-day trial period from this point forward. Mayor Owen and Councilmember Emery both believe the trial period should be added to the hiring policy.

Councilmember Emery stated that when preparing the performance measures for the City Manager, they should be unified in presenting them to Mr. Snipes so that everyone was on the same page. Mayor Owen agreed. Anthony Snipes then presented himself to City Council and the community.

Councilmember Wyatt moved to appoint Anthony Snipes as the city manager. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider appointing a member to the board of directors of the Fort Bend Subsidence District Board for a two-year term beginning on February 1, 2016, and ending on January 31, 2018.

Assistant City Manager Elmer stated Mr. William Wallace agreed to continue serving and staff recommends his reappointment.

Mayor Pro Tem Smith moved to reappoint William Wallace to the board of directors of the Fort Bend Subsidence District Board. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

9. AUTHORIZATIONS

- (a) Consider declaring an exemption from competitive bidding laws and authorize the execution of an agreement to purchase body worn camera solution.

Police Chief Berezin and IT Director Cole stated they would be receiving 105 cameras initially. Berezin noted there would be training; and, the retention policy would be reviewed to see if it fits current policy. Cole stated data would be stored in accordance with the Coban cameras, which was a period of 90-days. Berezin also mentioned a video could be tagged and kept as long as necessary.

Mayor Pro Tem Smith moved to authorize the purchase of a Body Camera Solution from Coban in the amount of \$98,381.18. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider awarding a contract for sludge hauling services at City of Missouri City, Texas, water and wastewater facilities.

City Engineer Upton stated Staff desires City Council to award a contract for the purpose of hauling sludge from the Steep Bank/Flat Bank WWTP, Mustang Bayou WWTP and the Regional Water Treatment Facility.

Councilmember Maroulis moved to award the contract to K-3 Resources LP. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider authorizing the purchase of fleet vehicles through the fleet replacement program.

Purchasing Manager Philips stated the City would purchase three Chevy Tahoe police units, a four-door sedan for Police Administration, three Ford Explorers for the Criminal Investigation Division (CID), two F-150 crew cabs for CID, two F-150 and one F-250 for Public Works, one F-350 for Parks and Recreation, and eight Ford Explorer patrol cars. The only exception was that Building Maintenance requested a cargo van; however, the van was not available in the cooperative and state contracts and a bid was currently out with an anticipated cost of about \$30,000.

Councilmember Wyatt moved to authorize the purchase of fleet vehicles through the fleet replacement program. Mayor Pro Tem Smith seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Consider authorizing the execution of a Utility and Road Agreement with Missouri City Management District No. 2.

City Engineer Upton noted the following amendments from the agreement presented: page three, Article 2.02, regarding the requirement to extend facilities; page five, Item 2.06b, regarding second two lanes of Hurricane Lane construction; and, page seven, Section 4.01, regarding the authority of district to issue bonds.

Mayor Pro Tem Smith moved to authorize the execution of a Utility and Road Agreement with Missouri City Management District No. 2 with changes. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (e) Consider authorizing the execution of a Development Agreement with FLC Parkway, L.P.

City Engineer Upton noted an amendment to page three, Section 3.2, regarding road improvements on the second two lanes of Hurricane Lane.

Mayor Pro Tem Smith moved to authorize the execution of a Development Agreement with FLC Parkway, L.P. with changes. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

- (f) Consider authorizing the execution of an interlocal agreement between the City of Pearland and the City of Missouri City, Texas, for cooperative purchasing.

Councilmember Maroulis moved to authorize the execution of an interlocal agreement between the City of Pearland and the City of Missouri City, Texas, for cooperative purchasing. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

10. ORDINANCES

- (a) Consider an ordinance amending Chapter 78, Solid Waste, of the Missouri City Code; amending rules and regulations related to solid waste; providing a penalty; and consider the ordinance on the first of two readings.

Councilmember Emery moved to approve the ordinance. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

11. RESOLUTIONS

- (a) Consider a resolution of the City Council of the City of Missouri City, Texas, granting consent to Fort Bend County Water Control and Improvement District No. 2 to annex certain land situated within the corporate limits of the City of Missouri City, Texas.

Councilmember Wyatt moved to adopt the resolution. Mayor Pro Tem Smith seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider a resolution of the City Council of the City of Missouri City, Texas, granting consent to the creation of Missouri City Management District No. 2, a political subdivision of the State of Texas, to be located wholly within the corporate limits of the City of Missouri City, Texas; providing for severability.

Mayor Pro Tem Smith moved to adopt the resolution. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

12. CITY COUNCIL ANNOUNCEMENTS

Mayor Owen stated the Fort Bend Chamber had a successful golf tournament. He inquired if the meeting with Harris County Flood Control regarding Fonmeadow Bridge took place. City Engineer Upton stated staff received an email and were now awaiting clarification to then discuss with Assistant City Manager Elmer. City Attorney Iyamu requested this item to be posted on a future agenda. Councilmember Wyatt wished everyone a happy Thanksgiving. Mayor Owen reminded everyone about the thank you reception for the City's board and commission members. Mayor Pro Tem Smith congratulated the Parks Department for a job well done on the bike event.

13. ADJOURN

The regular City Council meeting adjourned at 8:22 p.m.

ATTEST:

Allen Owen, Mayor

Maria Gonzalez, City Secretary



**Council Agenda Item Cover Memo
December 7, 2015**

To: Mayor and City Council
Agenda Item: 6(b) Ordinance amending provisions relating to solid waste collection
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

This proposed ordinance amends regulations related to the collection of solid waste, including recyclable materials.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live.

BACKGROUND

In July 2015, the City Council of the City of Missouri City authorized the negotiation and execution of an exclusive contract for solid waste and recyclable material collection services with Waste Corporation of Texas, L.P., a wholly-owned subsidiary of WCA Waste Corporation. Pursuant to the new contract, City of Missouri City residents will generally receive one service level. This proposed ordinance amends certain provisions of Chapter 78 to make them consistent with the services to be provided by the new contract and adds a new division to provide for the regulation and setting of fees for commercial customers. Solid waste and recycling material collection rates and fees will be submitted for consideration at the next meeting.

The proposed ordinance:

- Amends definitions in Chapter 78 to conform with the new contract;
- Describes the services provided with city service; and
- Adds solid waste and recycling collection regulations, including a regulation authorizing council to set rates, for commercial customers.

FISCAL ANALYSIS

The rates and fees for city service will allow the city to recover expenses involved in providing city service.

SUPPORTING MATERIALS

1. Ordinance

STAFF'S RECOMMENDATION

Staff recommends consideration of the ordinance.

ORDINANCE NO. O-15-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS,
AMENDING CHAPTER 78, SOLID WASTE, OF THE MISSOURI CITY
CODE; AMENDING REGULATIONS RELATED TO SOLID WASTE
COLLECTION AND DISPOSAL; PROVIDING AN EFFECTIVE DATE;
PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING
FOR SEVERABILITY.

* * * * *

WHEREAS, the Texas Health and Safety Code provides a municipality with the authority to grant an exclusive franchise to a solid waste collection provider; and

WHEREAS, the City of Missouri City is vested with full authority under its police power to regulate the collection and disposal of solid waste; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate and in the best interest of the residents of the City of Missouri City to amend regulations related to the provision of solid waste collection and disposal within the City of Missouri City; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by deleting Section 78-1 of Article I of Chapter 78 thereof and substituting therefor a new Section 78-1 of Article I of Chapter 78 to provide as follows:

**“Chapter 78 - SOLID WASTE
ARTICLE I. - IN GENERAL**

Sec. 78-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Association means a homeowner association, a property owner association or a civic association incorporated and in good standing with the Texas Secretary of State.

Automated service means the collection of solid waste with the use of a vehicle operated by a person without the necessity of such person leaving the cabin of the vehicle.

Bag means a plastic sack designed to store material to be placed for solid waste collection with sufficient wall strength to maintain physical integrity when lifted by the top.

Bulky waste means solid waste generated at a residential unit that are not easily contained in a poly cart such as appliances, including, but not limited to, refrigerators which have CFCs removed by a certified technician, stoves and ranges, water heaters, freezers, and other similar domestic and commercial large appliances; furniture; household equipment; swing sets; bicycles (without tires); scrap metal; copper; and other items not easily contained in a poly cart. Bulky waste does not include any material included in the definition of excluded waste.

Bundle means cuttings or trimmings from trees, shrubs, or lawns, and similar materials such as grass, leaves, flowers, stalks, stems, and branches securely tied together forming an easily handled package not exceeding four (4) feet in length or forty (40) pounds in weight.

CFCs means chlorofluorocarbon refrigerants usually contained in refrigerators, window air conditioners, icemakers and freezers.

City service means the solid waste collection service operated by the city.

Commercial customer means a producer who is not a residential customer.

Curbside means that portion of land adjacent to paved or traveled roadways, including alleys.

Dumpster means a metal receptacle that:

- (1) consists of a tight fitting lid, a minimum capacity of approximately two (2) cubic yard, a maximum capacity of ten (10) cubic yards, and a structure that may be lifted and emptied mechanically; and
- (2) is designed for the storage of solid waste or recyclable materials of customers who are not residential customers.

Dwelling unit means a residential unit providing complete, independent, living facilities for one family including permanent provisions for living, sleeping, cooking, eating and sanitation.

Excluded waste means any solid waste resulting from construction, demolition, remodeling or repair operations; any solid waste, the acceptance or handling of which by the contractor would cause a violation of any permit or regulatory requirement, including, but not limited to, hazardous waste; any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special handling and disposal to protect the human health or the environment; untreated special waste from health care-related facilities that is comprised of animal waste, bulk blood, bulk human blood, bulk human body fluids, microbiological waste, pathological waste, and sharps as those terms are defined in 25 TAC §1.132 from the sources specified in 25 TAC §1.134, as well as regulated medical waste as defined in 49 CFR §173.134(a)(5); animals or portions thereof equal to or greater than ten pounds (10 lbs.) in weight that have expired from any cause, except those slaughtered or killed for human use; solid or dissolved material in domestic

sewage, or solid or dissolved material in irrigation return flows; or industrial discharges subject to regulation by permit.

Franchisee means a person who has been granted a franchise pursuant to this chapter and article X of the City Charter to operate a solid waste collection service in the city.

Month-to-month service means solid waste collection service, not including city service, pursuant to a contract or other arrangement whereby the original term of such agreement or arrangement has expired or been terminated, but the contract or arrangement is continued on a monthly or other periodic basis past such expiration or termination.

Municipal facility means any premises owned or operated by the city and provided with city service.

Poly cart means a city-furnished, reusable receptacle into which a producer places solid waste for collection when such collection is accomplished by automated service.

Producer means a person who is in control of a premises or a location generating waste, including solid waste, recyclable materials, and excluded waste, within the corporate limits of the city, including, but not limited to, an owner, operator, occupant, tenant, lessee or resident of such premises or location.

Recyclable material means materials that can be recovered or diverted from the nonhazardous waste stream for purposes of reuse or reclamation, a substantial portion of which is consistently used in the manufacture of products that would otherwise be produced using raw or virgin materials, and such material is not included in the definition of excluded waste.

Recycling container means a city-furnished, reusable receptacle that is designed for the purpose of curbside collection of recyclable material; is constructed of plastic, metal or fiberglass; has handles of adequate strength for lifting; and has a mouth with a diameter greater than or equal to that of the base.

Residential customer means a producer for a dwelling unit receiving city service.

Small dead animal means animals or portions thereof less than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

Solid waste means all nonhazardous waste generated by a producer including, but not limited to, useless, unwanted or discarded materials with insufficient liquid content to be free-flowing, that result from domestic, industrial, commercial, agricultural, governmental and community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare; any small dead animal; every accumulation of waste (animal, vegetable or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of birds, fish, fruits, grains, meats or other animal or vegetable matter; waste wood, wood chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products used for packaging or wrapping; crockery, glass, ashes, cinders, floor sweepings, mineral or metallic substances; and branches, grass, leaves, flowers, stalks, stems, tree trimmings, twigs and weeds. Solid waste includes bulky waste and recyclable material. Solid waste does not include sewage, earth or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial waste water effluents which

are not acceptable for disposal in sanitary sewage treatment systems or any material included in the definition of excluded waste.

Solid waste collection service means the business of collecting, transporting, processing, or disposing of solid waste.

Subscriber service means solid waste collection service, not including city service, pursuant to a contract or other arrangement whereby a residential customer is billed directly by a solid waste collection service provider and not by an association or a utility.

Tag means to attach a notice to any material or thing placed for collection for the purpose of advising the producer of how such material or thing fails to conform to the requirements of this chapter.

Utility district means a general law utility district.

Waste container means a reusable receptacle that is designed for the purpose of manual service; is constructed of plastic, metal or fiberglass; has handles of adequate strength for lifting; has a mouth with a diameter greater than or equal to that of the base; and has a tight-fitting lid.”

Section 3. The Missouri City Code is hereby amended by deleting the title of Article II of Chapter 78 thereof and substituting therefor a new title of Article II of Chapter 78 to provide as follows:

“Chapter 78 - SOLID WASTE

. . . .

ARTICLE II. - CITY SOLID WASTE SERVICE”

Section 4. The Missouri City Code is hereby amended by adding a new Division 1 of Article II of Chapter 78 to provide as follows:

“Chapter 78 - SOLID WASTE

. . . .

**ARTICLE II. - CITY SOLID WASTE SERVICE
DIVISION 1. – RESIDENTIAL SOLID WASTE**

. . . .”

Section 5. The Missouri City Code is hereby amended by deleting Subsections 78-31(d) and 78-31(e) of Division 1 of Article II of Chapter 78 thereof and substituting therefor new Subsections 78-31(d) and 78-31(e) of Division 1 of Article II of Chapter 78 to provide as follows:

“Chapter 78 - SOLID WASTE

. . . .

**ARTICLE II. - CITY SOLID WASTE SERVICE
DIVISION 1. – RESIDENTIAL SOLID WASTE**

Sec. 78-31. - City service.

. . . .

- (d) *Service level.* There shall be one service level of city service for residential customers. Each dwelling unit shall receive:
- a. Solid waste collection service on two solid waste collection days of each week and on each such solid waste collection day may place up to one poly cart;
 - b. Solid waste collection of the greater of four (4) bulky waste items or five (5) cubic yards of bulky waste once every other week;
 - c. Solid waste collection of recyclable materials once every other week and on each such recyclable material collection day may place up to one recycling container; and
 - d. Solid waste collection of bundles and yard trimmings once per week.
- (e) *Additional services.* Residential customers may individually request additional poly carts and solid waste collection services.”

Section 6. The Missouri City Code is hereby amended by deleting Subsection 78-31(f) of Division 1 of Article II of Chapter 78.

Section 7. The Missouri City Code is hereby amended by deleting Section 78-32 of Division 1 of Article II of Chapter 78 thereof and substituting therefor a new Section 78-32 of Division 1 of Article II of Chapter 78 to provide as follows:

“Chapter 78 - SOLID WASTE

ARTICLE II. - CITY SOLID WASTE SERVICE DIVISION 1. – RESIDENTIAL SOLID WASTE

Sec. 78-32. - Rates.

- (a) *Collection charge.* Residential customers shall pay a collection charge. Such collection charge shall be assessed at a rate in the amount specified in a resolution adopted by the city council establishing a schedule of rates and fees. Such collection charge shall be assessed in full to each separate dwelling unit within any structure. A collection charge shall not be assessed for a dwelling unit if the residential customer for such dwelling unit certifies in writing to the city and the city determines that such dwelling unit is unoccupied and not generating any solid waste and the city verifies the same to be true. The collection charge shall not be assessed for as long as such dwelling unit remains unoccupied or is not otherwise generating any solid waste.
- (b) *Additional services.* A residential customer who has city service and has requested extra poly carts shall pay an additional rate specified in a resolution adopted by the city council establishing a schedule of rates and fees.”

Section 8. The Missouri City Code is hereby amended by adding a new Division 2 of Article II of Chapter 78 to provide as follows:

“Chapter 78 - SOLID WASTE

ARTICLE II. - CITY SOLID WASTE SERVICE

. . . .

DIVISION 2. – COMMERCIAL SOLID WASTE

Sec. 78-51. - City service required.

A producer in control of a premises or a location other than a dwelling unit is hereby required to receive city service.

Sec. 78-52. - Rates.

(a) *Collection charge.* Commercial customers shall pay a rate specified in a resolution adopted by the city council establishing a schedule of rates and fees.

(b) *Additional services.* A commercial customer who has requested an additional city service shall pay an additional rate specified in a resolution adopted by the city council establishing a schedule of rates and fees.

Sec. 78-53. - Collection requirements and restrictions.

(a) *Timing of solid waste or recyclable material placed for collection.* Any solid waste, recyclable material or receptacle placed for collection shall be placed for collection no later than 7:00 a.m.

(b) *Contents of solid waste placed for collection.* Any solid waste placed for collection shall be placed so that:

- (1) Any animal waste, including small dead animals, is separately wrapped so as to prevent spilling or comingling;
- (2) Any ashes have been wetted and cooled to the touch and separately wrapped so as to prevent spilling or comingling;
- (3) Any broken material that might cause injury to collection personnel is placed in a bag, poly cart or waste container, as applicable, and is separately wrapped from all other material within such bag, poly cart or waste container;
- (4) Any pressurized cans shall be released of all pressure; and
- (5) Any water or other liquids previously mixed with the solid waste is drained.

(c) *Contents of recyclable material placed for recyclable material collection.* Any recyclable material placed for recyclable material collection shall be placed so that such recyclable material conforms to the following rules and regulations:

- (1) All recyclable material placed for recyclable material collection shall be cleaned before placement in a recycling container for collection.
- (2) The city shall develop and maintain a list of accepted recyclable material. Such list shall be maintained in the office of the city secretary and shall be available for public inspection and such list may be administratively changed based on market conditions. No material shall be placed for collection in a recycling container unless such material is included on such list of accepted recyclable material.

Sec. 78-54. - Material and receptacles prohibited from being placed for collection.

The following are prohibited from being placed for collection:

- (1) Excluded waste; and

- (2) Any bag, bundle, bulky waste, poly cart, recycling container or waste container that is broken, split, open, or capable of causing injury to collection personnel.”

Section 9. Effective Date. This Ordinance shall become effective the 1st day of January, 2016.

Section 10. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 11. Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 12. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2015.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2015.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

E. Joyce Iyamu, City Attorney



**Council Agenda Item
December 7, 2015**

7. PUBLIC HEARINGS AND RELATED ACTIONS

- (a) Zoning Public Hearings and Ordinances** – *There are no Zoning Public Hearings and Ordinances and related actions on this agenda.*
-



Council Agenda Item Cover Memo
December 7, 2015

To: Mayor and City Council
Agenda Item: 7(b)(1) Public hearing regarding the adoption of a resolution adopting a schedule of rates and fees for City residential and commercial solid waste and recycling services.
Submitted by: Bill Atkinson, Assistant City Manager

SYNOPSIS

This item, with an effective date of January 1, 2016, repeals the current fee schedule for residential solid waste services and provides for a new fee schedule in accordance with the City's new solid waste contract for residential and commercial solid waste services.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live.

BACKGROUND

City Council authorized the negotiation and execution of a new solid waste collection services agreement on July 20, 2015, with WCA Waste Corporation (WCA). The contract includes adjustable rates for the provision of solid waste and recyclable material collection services for both residential and commercial customers within the City. City Council adopted the ordinance granting residential and commercial solid waste franchises to WCA at its September 8, 2015 meeting. Section 10.06 of the City's Charter authorizes the City Council to regulate the rates and charges of franchise holders operating in the City after a hearing. This resolution adopts a fee schedule for residential and commercial solid waste services in accordance with the City's new solid waste contract for residential and commercial solid waste services. The standard fee for residential services, not including administrative fees, franchise and taxes, is \$12.50. The standard fee for once a week commercial solid waste services, with a 2 cubic yard dumpster, not including administrative fees and taxes, is \$97.77.

SUPPORTING MATERIALS

1. Resolution

STAFF'S RECOMMENDATION

Staff recommends adopting the resolution.

RESOLUTION NO. R-15-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, ADOPTING A SCHEDULE OF RATES AND FEES FOR CITY RESIDENTIAL AND COMMERCIAL SOLID WASTE AND RECYCLING COLLECTION SERVICES; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the schedule of rates and fees for city residential solid waste and recyclable material service and other associated fees are specified in Exhibit "A" attached hereto and made a part hereof.

Section 2. That Resolution No. R-12-38 adopted on December 17, 2012, and any resolution or part thereof in conflict herewith is hereby repealed.

Section 3. That this Resolution will become effective on January 1, 2016.

PASSED, APPROVED and ADOPTED this 7th day of December, 2015.

Allen Owen
Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez
City Secretary

E. Joyce Iyamu
City Attorney

EXHIBIT "A"

SCHEDULE OF RATES AND FEES¹

I. Residential Customers

A. Monthly Fees for Solid Waste and Program Recyclable Material Services

Description	Monthly Service Fee per Residential Customer
City Program Basic Services	\$12.50 per month
Solid Waste Extra Cart Service	\$75.00 per year

B. Additional Fees for Residential Customers

Description	Fee
Extra carts	\$95.00 per cart
Delivery fee of carts after initial delivery	\$90.00
Late fee for failure to pay a monthly collection rate or monthly administrative fee by due date	\$15.00
Monthly administrative fee	\$ 1.50

¹ All fees include collection and disposal fees and exclude taxes and franchise fees.

II. Commercial Customers

A. Monthly Fees for Solid Waste Cart or Dumpster Services

Cart and Dumpster Type and Size	<i>Weekly Collection Frequency</i>						
	1	2	3	4	5	6	7
95 Gallon Cart	\$18.85	\$24.86	NA ²	NA	NA	NA	NA
2 CY ³ Dumpster	\$97.77	\$146.65	\$218.54	\$263.11	\$327.81	\$392.50	\$452.89
3 CY Dumpster	\$104.96	\$159.59	\$232.91	\$284.67	\$355.12	\$425.57	\$467.27
4 CY Dumpster	\$112.14	\$169.65	\$251.61	\$306.24	\$382.44	\$429.20	\$524.78
6 CY Dumpster	\$140.90	\$218.54	\$319.18	\$392.50	\$491.71	\$586.60	\$682.93
8 CY Dumpster	\$169.65	\$261.67	\$391.07	\$478.77	\$598.10	\$716.00	\$826.70
10 CY Dumpster	\$194.10	\$294.74	\$428.45	\$514.71	\$631.17	\$783.57	\$970.48
2 CY Dumpster Compactor	\$193.00	\$239.00	\$307.00	\$350.00	\$411.00	\$472.00	\$529.00
3 CY Dumpster Compactor	\$199.00	\$252.00	\$321.00	\$370.00	\$437.00	\$503.00	\$542.00
4 CY Dumpster Compactor	\$206.00	\$261.00	\$339.00	\$390.00	\$462.00	\$549.00	\$597.00
6 CY Dumpster Compactor	\$234.00	\$307.00	\$403.00	\$472.00	\$566.00	\$656.00	\$747.00
8 CY Dumpster Compactor	\$261.00	\$348.00	\$471.00	\$554.00	\$667.00	\$778.00	\$883.00

² "NA" shall mean not applicable.

³ "CY" shall mean cubic yard.

B. Monthly Fees for Program Recyclable Materials Dumpster Services

Dumpster Type and Size	<i>Weekly Collection Frequency</i>						
	1	2	3	4	5	6	7
2 CY Dumpster	\$75.00	\$164.00	\$259.00	N/A	N/A	N/A	N/A
3 CY Dumpster	\$82.00	\$170.00	\$266.00	N/A	N/A	N/A	N/A
4 CY Dumpster	\$89.00	\$177.00	\$279.00	N/A	N/A	N/A	N/A
6 CY Dumpster	\$96.00	\$184.00	\$286.00	N/A	N/A	N/A	N/A
8 CY Dumpster	\$102.00	\$191.00	\$299.00	N/A	N/A	N/A	N/A
10 CY Dumpster	\$116.00	\$204.00	\$313.00	N/A	N/A	N/A	N/A
2 CY Dumpster Compactor	\$175.00	\$264.00	\$359.00	N/A	N/A	N/A	N/A
3 CY Dumpster Compactor	\$182.00	\$270.00	\$365.00	N/A	N/A	N/A	N/A
4 CY Dumpster Compactor	\$189.00	\$277.00	\$379.00	N/A	N/A	N/A	N/A
6 CY Dumpster Compactor	\$196.00	\$284.00	\$386.00	N/A	N/A	N/A	N/A
8 CY Dumpster Compactor	\$202.00	\$291.00	\$399.00	N/A	N/A	N/A	N/A

C. Fees for Extra Dumpster Pick Ups for Solid Waste Services

Dumpster Type and Size	Fee (Per Pickup)
All types and sizes	\$90.00

D. Fees for Extra Pick Ups for Program Recyclable Materials Dumpster Services

Dumpster Type and Size	Fee (Per Pickup)
All types and sizes	\$90.00

E. Fees for Solid Waste Roll-off Services

Roll-off Type and Size	Container Rental Fee (Monthly)	Initial Delivery Fee (One-time)	Collection Fee (Per Pull)	Disposal Fee (Per Ton)
10 CY Roll-off	\$150.00	\$125.00	\$195.00	\$32.00/Ton
20 CY Roll-off	\$150.00	\$125.00	\$195.00	\$32.00/Ton
30 CY Roll-off	\$150.00	\$125.00	\$195.00	\$32.00/Ton
40 CY Roll-off	\$150.00	\$125.00	\$195.00	\$32.00/Ton

F. Fees for Program Recyclable Materials Roll-off Services

Roll-off Type and Size	Container Rental Fee (Per Month)	Initial Delivery Fee (One-time)	Collection Fee (Per Pull)	Disposal Fee (Per Ton)
10 CY Roll-off	\$150.00	\$125.00	\$225.00	\$15.00/Ton
20 CY Roll-off	\$150.00	\$125.00	\$225.00	\$15.00/Ton
30 CY Roll-off	\$150.00	\$125.00	\$225.00	\$15.00/Ton
40 CY Roll-off	\$150.00	\$125.00	\$225.00	\$15.00/Ton
25 CY Roll-off Compactor	\$425.00	\$225.00	\$225.00	\$15.00/Ton
30 CY Roll-off Compactor	\$425.00	\$225.00	\$225.00	\$15.00/Ton
40 CY Roll-off Compactor	\$425.00	\$225.00	\$225.00	\$15.00/Ton

G. Additional Fees for Commercial Customers

Description	Fee
Container lock	\$10.00 per month
Set of casters	\$15.00 per month
Opening and closing of enclosures	No charge.
Extra cart	\$95.00
Delivery fee for containers after initial delivery	\$90.00



Council Agenda Item Cover Memo December 7, 2015

To: Mayor and City Council
Agenda Item: 7(b)(2) Public Hearing to receive comments for or against the proposed levy of assessments on certain residential lots within Section 6, Lake Shore Harbour subdivision, for public improvements in Public Improvement District No. 2, and consider an ordinance levying the same.
Submitted by: Gary W. Smith, Director of Development Services

SYNOPSIS

Public hearing to receive comments for or against the proposed levy of assessments on residential Lots 1, 2, 3, 4, 5, & 6, in Block Two, Section 6, Lake Shore Harbour subdivision, for public improvements in Public Improvement District No. 2. This item also presents an ordinance levying the assessments for consideration on the first of two readings.

STRATEGIC PLAN 2029 GOALS ADDRESSED

- Create a Great Place to Live
- Have Quality Development Through Buildout

BACKGROUND

Lake Shore Harbour subdivision is located in Public Improvement District Number Two (PID 2). City Council previously approved the Service and Assessment Plan for PID 2 and Assessment Rolls for Sections 1, 2, 3, 4 in 2004, 2006, 2007, 2012 and 2013, respectively. Section 6 infrastructure has been bid, and this Ordinance is for the approval of the Section 6 Assessment Roll. The assessment is determined as prescribed by the Service and Assessment Plan.

The cost of the infrastructure is \$1,010,000. The cost per lot is \$10,202 (\$1,010,000 divided by 99 lots). The annual assessment in Sections 1 and 2 was \$1,148.53, \$1,328.93 in Section 3 and \$1,400.00 in Sections 4 and 5. The proposed annual assessment in Section 6 is \$781.00. The assessment will apply to only Lots 1, 2, 3, 4, 5 and 6, in Block 2 of Lakeshore Harbour, Section 6. The other 93 lots within Section 6 are within MUD 47 and MUD 47 is providing developer reimbursement. The property owner has been given notice of the proposed assessments and supports the assessments.

FISCAL ANALYSIS

There is no fiscal impact on the General Fund. The PID 2 assessment will be used to reimburse the developer of Lots 1, 2, 3, 4, 5 & 6, Block 2, Section 6 of Lake Shore Harbour.

SUPPORTING MATERIALS

1. Ordinance levying assessments for Section 5.
2. Assessment roll for Section 5.
3. Notice letter to property owner.
4. Notice of public hearing.
5. Plat of Lakeshore Harbour Section 6.

STAFF'S RECOMMENDATION

Approval on first reading of the ordinance levying assessments for Lots 1, 2, 3, 4, 5 & 6, Block 2, Section 6 of Lake Shore Harbour subdivision.

ORDINANCE NO. O-15-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, LEVYING AN ASSESSMENT AGAINST CERTAIN SECTION 6 PROPERTIES IN THE LAKESHORE HARBOUR SUBDIVISION LOCATED IN THE CITY OF MISSOURI CITY PUBLIC IMPROVEMENT DISTRICT NO. TWO (LAKESHORE HARBOUR); AND MAKING CERTAIN FINDINGS RELATED THERETO.

* * * * *

WHEREAS, the City of Missouri City (the "City") is authorized pursuant to TEX. LOCAL GOV'T CODE, ch. 372, as amended ("Chapter 372") to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Missouri City Public Improvement District No. Two (the "PID") and adopted a Service and Assessment Plan (the "Plan") for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City Secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment in, for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, TEX. GOV'T CODE, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED on first reading this ____ day of _____, 2015.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2015.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

E. Joyce Iyamu, City Attorney

LAKE SHORE HARBOUR SECTION 6 ASSESSMENT ROLL

[illegible]



City of Missouri City
NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY TO CONSIDER PROPOSED ASSESSMENTS AGAINST LAKESHORE HARBOUR SECTION 6 PROPERTIES LOCATED IN THE PUBIC IMPROVEMENT DISTRICT NUMBER TWO ESTABLISHED BY CITY COUNCIL RESOLUTION NO. R-01-37.

In accordance with Chapter 372, Legal Government Code, the Assessment Roll for Lots 1, 2, 3, 4, 5, & 6, Block Two, Section Six of Lake Shore Harbour Subdivision within Pubic Improvement District Number Two has been prepared and is on file and open for public inspection in the office of the City Secretary. A Public Hearing on the Assessment will be held by the City Council as follows:

DATE & TIME: Monday, December 7, 2015, 7:00 p.m.

**PLACE: City Council Chamber,
City Hall located at 1522 Texas Parkway,
Missouri City, Texas 77489**

COST OF IMPROVEMENTS: \$1,010,000

GENERAL NATURE OF IMPROVEMENTS: The proposed public improvements include the construction of street paving, water lines, sanitary sewer lines, storm sewers, landscaping as well as engineering, interest and other financing and administrative costs.

BOUNDARIES: The boundaries are described in the plat of Lakeshore Harbour, Section Six, Block Two, Lots 1, 2, 3, 4, 5, & 6 being a subdivision of 42.527 acres and being a portion of a called 262.296 acre tract recorded in the name of Vicksburg Estates, Ltd., in FBCCF No. 1999082607, located in the Elijah Roark League, A-77, City of Missouri City, Fort Bend County, Texas.

Written and oral objections will be considered at the hearing. All interested person are hereby notified of the described hearing and of their right to appear and be heard on the manner.

City Secretary
City of Missouri City, Texas



Development Services

Gary W. Smith
Director
1522 Texas Parkway
Missouri City, Texas 77489

Phone: 281-403-8661
Fax: 281-208-5551
gsmith@missouricitytx.gov
www.missouricitytx.gov

November 24, 2005

Certified Mail, Return Receipt Requested, No. 7012 2210 0000 0872 2044
Vicksburg Estates, Ltd.
1616 Voss, Suite 618
Houston, Texas 77057
Attn: Clinton Wong

Re: Notice of public hearing
Levy of assessments, PID 2, Lakeshore Harbour, Section 6. Block 2, Lots
1, 2, 3, 4, 5, & 6

Dear Mr. Wong:

Enclosed is a copy of the Notice of Public Hearing to be held on Monday, December 7, 2015, during the City Council meeting beginning at 7:00 p.m. The public hearing will consider written and oral comments relating to the levy of public improvement district assessments on residential lots 1, 2, 3, 4, 5, & 6, of Block 2, in Section 6 of Lakeshore Harbour subdivision.

I am also enclosing a copy of the proposed assessment levy for those six lots in Section 6.

The cost of the improvements for Section 6 was \$1,010,000. The annual assessment is \$781.24 per lot. The assessments amortize \$140,623.74 for the six lots over thirty years with an annual interest rate of 6.5%. If all 99 lots were included in the assessment, \$2,320,291.70 would be received in total payments, fully recovering your investment in the infrastructure.

If you have any questions, please contact me.

Sincerely,

Gary W. Smith
Director of Development Services

cc: Bill Atkinson, Acting City Manager
Maria Gonzalez, City Secretary
E. Joyce Iyamu, City Attorney
Michael Higgins, Interim Director of Finance

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF MISSOURI
CITY TO CONSIDER PROPOSED ASSESSMENTS AGAINST LAKESHORE
HARBOUR SECTION 6 PROPERTIES LOCATED IN THE PUBIC IMPROVEMENT
DISTRICT NUMBER TWO ESTABLISHED BY CITY COUNCIL RESOLUTION NO. R-
01-37.

In accordance with Chapter 372, Legal Government Code, the Assessment Roll for Lots 1, 2, 3, 4, 5, & 6, Block Two, Section Six of Lake Shore Harbour Subdivision within Pubic Improvement District Number Two has been prepared and is on file and open for public inspection in the office of the City Secretary. A Public Hearing on the Assessment will be held by the City Council as follows:

DATE & TIME: Monday, December 7, 2015, 7:00 p.m.

PLACE: City Council Chamber, City Hall located at 1522 Texas Parkway, Missouri City, Texas 77489

COST OF IMPROVEMENTS: \$1,010,000

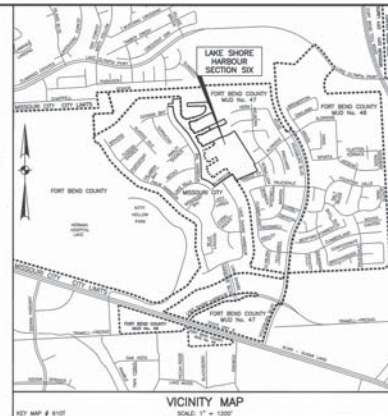
GENERAL NATURE OF IMPROVEMENTS: The proposed public improvements include the construction of street paving, water lines, sanitary sewer lines, storm sewers, landscaping as well as engineering, interest and other financing and administrative costs.

BOUNDARIES: The boundaries are described in the plat of Lakeshore Harbour, Section Six, Block Two, Lots 1, 2, 3, 4, 5, & 6 being a subdivision of 42.527 acres and being a portion of a called 262.296 acre tract recorded in the name of Vicksburg Estates, Ltd., in FBCCF No. 1999082607, located in the Elijah Roark League, A-77, City of Missouri City, Fort Bend County, Texas.

Written and oral objections will be considered at the hearing. All interested person are hereby notified of the described hearing and of their right to appear and be heard on the manner.

City Secretary

City of Missouri City, Texas



FINAL PLAT OF
LAKE SHORE HARBOUR
SEC. 6

99 LOTS 3 BLOCKS 12 RESERVES
DATE: SEPTEMBER, 2015 SCALE: 1" = 100'

CONCLUSIONS

A TEXAS LIMITED PARTNERSHIP
1416 VOSS, SUITE 618
HOUSTON, TEXAS 77057
CLAYTON F. WONG
713 978-5800 (PH.)
713-978-5844 (FAX)

r.g.miller 5788

Floor - Suite 350 1180 WEST SAW HORTON BLVD.

DISTRIBUTION NO. F-487



**City Council Agenda Item Cover Memo
December 7, 2015**

To: Mayor and City Council
Agenda Item: 8(a) Consider appointing members to the board of directors for each tax increment reinvestment zone.
Submitted by: Maria Gonzalez, City Secretary

SYNOPSIS

1. Consider appointing members to the TIRZ No. 1 board of directors for a two-year term beginning on January 1, 2016, to December 31, 2017.
2. Consider appointing the Chairman to the TIRZ No. 1 board of directors for a one-year term beginning on January 1, 2016, to December 31, 2016.
3. Consider appointing members to the TIRZ No. 2 board of directors for a two-year term beginning on January 1, 2016, to December 31, 2017.
4. Consider appointing the Chairman to the TIRZ No. 2 board of directors for a one-year term beginning on January 1, 2016, to December 31, 2016.
5. Consider appointing members to the TIRZ No. 3 board of directors for a two-year term beginning on January 1, 2016, to December 31, 2017.
6. Consider appointing the Chairman to the TIRZ No. 3 board of directors for a one-year term beginning on January 1, 2016, to December 31, 2016.

BACKGROUND

The terms for the odd numbered TIRZ 1, 2 and 3 board member positions will expire on December 31, 2015. During the November 2, 2015, special City Council meeting, City Council directed Staff to extend an invitation to each member to determine if they would be interested in serving another two-year term. On Monday, November 16, 2015, Staff determined all members agreed to continue serving.

TIRZ BOARD #1

Members & Functions The Tax Increment Reinvestment Zone (TIRZ) Board #1 consists of nine members who serve in staggered two-year terms. Positions #1 through #6 are appointed by the Council and positions #7 through #9 are reserved for other taxing units levying taxes within the TIRZ. TIRZ Board #1 makes recommendations to the Council concerning the administration of the TIRZ. They also prepare (or cause to be prepared) and adopt a project plan and reinvestment zone financing plan for the zone, and submit plans to the Council for its approval.

- Position 1 – **Vickie McBride**
- Position 3 – **Len Goff**
- Position 5 – **David Hamner**

Chairman Ms. Eunice Reiter, Position 2, currently serves as chairman whose term will expire on December 31, 2015. Should Council consider a chairman, the one-year term will begin January 1, 2016 and expire December 31, 2016.

Previous Chairman

2014 – Len Goff

2013 – Len Goff

2012 – Ron Lee

TIRZ BOARD #2

Members & Functions The Tax Increment Reinvestment Zone (TIRZ) Board #2 consists of seven members who serve in staggered two-year terms. Positions #1 through #5 are appointed by the Council and positions #6 and #7 are reserved for other taxing units levying taxes within the zone. TIRZ Board #2 makes recommendations to the Council concerning the administration of the zone. They also prepare (or cause to be prepared) and adopt a project plan and reinvestment zone financing plan for the zone, and submit plans to the Council for its approval.

- Position 1 – **Victoria Burns**
- Position 3 – **Frank Hester**
- Position 5 – **Buford Jurica**

Chairman Mr. Frank Hester, Position 3, currently serves as chairman whose term will expire on December 31, 2015. Should Council consider a chairman, the one-year term will begin January 1, 2016 and expire December 31, 2016.

Previous Chairman

2014 – Frank Hester

2013 – Frank Hester

2012 – Ron Lee

TIRZ BOARD #3

Members & Functions The Tax Increment Reinvestment Zone (TIRZ) Board #3 consists of 11 members who serve in staggered two-year terms. Positions #1 through #6 and #9 are appointed by the Council and positions #7, #8, #10 and #11 are reserved for other taxing units levying taxes within the zone. TIRZ Board #3 makes recommendations to the Council concerning the administration of the zone. They also prepare (or cause to be prepared) and adopt a project plan and reinvestment zone financing plan for the zone, and submit plans to the Council for its approval.

- Position 1 – **Robert Hodge**
- Position 3 – **David Reitz**
- Position 5 – **Joyce Raynor**
- *Position 7 – Stephen Brown, Jr., Fort Bend County Representative*
- Position 9 – **Sharon Jurica**
- *Position 11 – Frank Hester, Sienna Plantation Levee Improvement District Representative*

Chairman Mr. Joe Workman, Position 6, currently serves as chairman whose term will expire on December 31, 2015. Should Council consider a chairman, the one-year term will begin January 1, 2016 and expire December 31, 2016.

Previous Chairman

2014 – Ron Lee

2013 – Ron Lee

STAFF'S RECOMMENDATION

1. Appoint members to the TIRZ No. 1 board of directors for a two-year term beginning on January 1, 2016, to December 31, 2017.
2. Appoint the Chairman to the TIRZ No. 1 board of directors for a one-year term beginning on January 1, 2016, to December 31, 2016.
3. Appoint members to the TIRZ No. 2 board of directors for a two-year term beginning on January 1, 2016, to December 31, 2017.
4. Appoint the Chairman to the TIRZ No. 2 board of directors for a one-year term beginning on January 1, 2016, to December 31, 2016.
5. Appoint members to the TIRZ No. 3 board of directors for a two-year term beginning on January 1, 2016, to December 31, 2017.
6. Appoint the Chairman to the TIRZ No. 3 board of directors for a one-year term beginning on January 1, 2016, to December 31, 2016.



Council Agenda Item Cover Memo December 7, 2015

To: Mayor and City Council
Agenda Item: 9(a) Consider the award of a term contract for car rental services
Submitted by: Mike Berezin, Police Chief

SYNOPSIS

Staff desires to award a term contract for the purchase of car rental services on an as-needed basis.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City

BACKGROUND

Routinely, the City purchases car rental services for use in special programs. On average, seven cars are rented each month for a period of approximately thirty days. Therefore, a term contract for on-call services is needed to establish a fixed price for these services.

Staff prepared and advertised an Invitation for Bid #16-079 Car Rental Services, dated October 27, 2015. The IFB was formally advertised in The Independent on October 7 and 14, 2015, on the City website, to known rental car vendors, on the Demandstar bid service and on the State of Texas Electronic State Business Daily bidding site. The City only received one response from EAN Holdings (Enterprise). A bid tabulation is attached.

EAN Holdings, LLC has a local rental office in Missouri City that has serviced and will continue to service our contract. The monthly rental rate is \$675.00 for all variety of vehicle classes typically used by the City.

Staff recommends an award of a contract for the unit price bid. A standard City agreement will be used and the term will be for one year with options to renew for two additional one-year periods.

FISCAL ANALYSIS

These expenditures will be charged to account 53004 Special Services in the Police CID operating budget and 52031 Burglary & Auto Theft in the Police Administration operating budget.

SUPPORTING MATERIALS

1. Bid Tabulation

STAFF'S RECOMMENDATION

Award a term contract to EAN Holdings, LLC for the unit price bid and authorize the City Manager to exercise the renewal options when in the City's best interests.



Bid Tabulation Sheet

Page 1 of 1 Pages

Purchase Order Number: _____

Bid/Proposal/Agreement # 16-079

Requisition Number: _____

Car Rental Services

Date: 10/27/15

L 061868

(circle award)	Award	Award	Award
Bidder:	<u>EAN Holdings</u>		
Telephone Number:	<u>713-300-9102</u>		
Quoted by:	<u>GARY Headrick</u>		
E-Mail:	<u>gary.d.headrick@ehi.com</u>		
Check List	<u>675.00 / mo</u>		
PSA Agreement #	<u>675.00 / mo</u>		
<u>Sole Source</u>	<u>675.00 / mo</u>		
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>675.00 / mo</u>		
<u>HUB Search</u>	<u>675.00 / mo</u>		
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>675.00 / mo</u>		
<u>Purchase Order</u>	<u>675.00 / mo</u>		
<input type="checkbox"/> Faxed	<u>675.00 / mo</u>		
<input type="checkbox"/> Mailed	<u>675.00 / mo</u>		
<input type="checkbox"/> Phoned	<u>675.00 / mo</u>		
<input type="checkbox"/> Emailed			
<input type="checkbox"/> Ordered Online			
Total:			
Delivery:			
FOB:			
	<input type="checkbox"/> Destination <input type="checkbox"/> Shipping Point	<input type="checkbox"/> Destination <input type="checkbox"/> Shipping Point	<input type="checkbox"/> Destination <input type="checkbox"/> Shipping Point

Notes:

I certify that the above includes all firms that have been contacted for bids, and that their replies are exactly as stated.

Name: _____

Date: _____

10/27/15

Revised August 2015

Date Oct. 20⁷ 2015

[illegible]



Council Agenda Item Cover Memo December 7, 2015

To: Mayor and City Council
Agenda Item: 9(b) Consider authorizing the purchase of chemical type road materials through the interlocal agreement with Fort Bend County for cooperative purchasing.
Submitted by: Sharon Valiante, Assistant Director of Public Works
Alan A. Phillips, Purchasing and Risk Manager

SYNOPSIS

Staff desires to gain authorization to purchase chemical type road materials from cooperative purchasing contracts with Fort Bend County. The annual expenditure amount is over \$50,000 and therefore requires council action.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

The City makes numerous purchases of a variety of chemical type road materials, including but not limited to priming oil, road stabilizer and other materials throughout the course of the year. Most of these purchases are for repairs but some purchases are for improvements and new construction in the City's infrastructure. The City has been purchasing these items through previous contracts awarded by Fort Bend County. However, those contracts have now expired, and historical purchases are cumulatively exceeded the \$50,000 expenditure threshold for a fiscal year. As is City policy, staff seeks Council approval to continue making these purchases and to utilize the contracts awarded by Fort Bend County. The County awarded contract # 15-054 to all bidders meeting specifications on March 5, 2015. A copy of the tabulation is attached. The new contract award is valid through March 31, 2016.

The contract was competitively bid and gives the City access to volume pricing based on the larger purchasing power of the County.

FISCAL ANALYSIS

Individual purchases will be charged to the user department budget in the appropriate budgetary line item, primarily Streets & Drainage materials and Capital Improvement Projects. Contracts are awarded on a unit price basis. Estimated expenditure through March 2016 is \$100,000.00.

SUPPORTING MATERIALS

1. Bid Tabulation

STAFF'S RECOMMENDATION

Authorize staff to purchase chemical type road materials on an as-needed basis from the various awarded vendors on the Fort Bend County contract #15-054.

Fort Bend County Tabulation**Bid 15-054****Term Contract for Purchase and Hauling of Chemical Type Road Materials****Term: April 1, 2015 through March 31, 2016****Awarded 3.03.15 : Award to all bidders meeting specifications**

AC-10, Asphalt Cement, THD #300 (price per gallon)		
Lawson #11920		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	
Rosenberg	\$ 3.3353	
Crabb	\$ 3.3353	
Fresno	\$ 3.3353	
Needville	\$ 3.3353	
Richmond	\$ 3.3353	
Plant	\$ 3.20	
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	
Laydown Charge		
Demurrage Charge	\$80 hour after 2 hours	
Plant Location	Shepherd	

AC-20, Asphalt Cement , THD #300 (price per gallon)		
Lawson #11921		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	
Rosenberg	\$ 3.3353	
Crabb	\$ 3.3353	
Fresno	\$ 3.3353	
Needville	\$ 3.3353	
Richmond	\$ 3.3353	
Plant	\$ 3.20	
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	
Laydown Charge		
Demurrage Charge	\$80 hour after 2 hours	
Plant Location	Shepherd	

CRS-2, Cationic Emulsion, Rapid Setting, THD #300 (price per gallon)		
Lawson #11922		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	
Rosenberg	\$ 2.1353	
Crabb	\$ 2.1353	
Fresno	\$ 2.1353	
Needville	\$ 2.1353	
Richmond	\$ 2.1353	
Plant	\$ 2.00	
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	
Laydown Charge		
Demurrage Charge	\$80 hour after 2 hours	
Plant Location	Shepherd	

MC-30 Medium Curing Type Cutback Asphalt, THD #300(price per gallon)		
Lawson #11923		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	
Rosenberg	\$ 3.7353	
Crabb	\$ 3.7353	
Fresno	\$ 3.7353	
Needville	\$ 3.7353	
Richmond	\$ 3.7353	
Plant	\$ 3.60	
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	
Laydown Charge		
Demurrage Charge	\$80 hour after 2 hours	
Plant Location	Shepherd	

Prime Seal/Dust Control (price per gallon)		
Lawson #11924		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Undiluted Delivered	\$ 2.1353	2.20
Diluted 12:1 Delivered	\$ 0.3753	0.40
Minimum	5000 gallons	
Demurrage Charge	\$80 hour after 2 hours	

SS-1 Emulsion used for dust control (price per gallon)		
Lawson #11925		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	
Rosenberg	\$ 2.1353	
Crabb	\$ 2.1353	
Fresno	\$ 2.1353	
Needville	\$ 2.1353	
Richmond	\$ 2.1353	
Plant	\$ 2.00	
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	
Demurrage Charge	\$80 hour after 2 hours	
Plant Location	Shepherd	

Road Stabilizer (price per gallon)		
Lawson #11926		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	5000 gallons
Rosenberg	\$ 2.1353	\$ 2.69
Crabb	\$ 2.1353	\$ 2.69
Fresno	\$ 2.1353	\$ 2.69
Needville	\$ 2.1353	\$ 2.69
Richmond	\$ 2.1353	\$ 2.69
Plant	\$ 2.00	\$ 2.44
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	\$ 0.25
Demurrage Charge	\$80 hour after 2 hours	\$80 hour after 2 hours
Plant Location	Shepherd	Elm Mott

Chip Seal Emulsion "CWE-2" (price per gallon)		
Lawson #11927		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	5000 gallons
Rosenberg	\$ 2.1353	\$ 2.99
Crabb	\$ 2.1353	\$ 2.99
Fresno	\$ 2.1353	\$ 2.99
Needville	\$ 2.1353	\$ 2.99
Richmond	\$ 2.1353	\$ 2.99
Plant	\$ 2.00	\$ 2.74
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	\$ 0.25
Laydown Charge		
Demurrage Charge	\$80 hour after 2 hours	\$80 hour after 2 hours
Plant Location	Shepherd	Elm Mott

ROC-P2 Road Over Coat		
Lawson #11928		
Delivery Points	Cleveland Asphalt Shepherd	P Squared Emulsion Elm Mott
Minimum	5000 gallons	5000 gallons
Rosenberg	\$ 2.1353	\$ 2.82
Crabb	\$ 2.1353	\$ 2.82
Fresno	\$ 2.1353	\$ 2.82
Needville	\$ 2.1353	\$ 2.82
Richmond	\$ 2.1353	\$ 2.82
Plant	\$ 2.00	\$ 2.57
Plant to Jobsite-1st mile		
Plant to Jobsite-each add'l mile		
Restocking Fee	N/C	\$ 0.25
Demurrage Charge	\$80 hour after 2 hours	\$80 hour after 2 hours
Plant Location	Shepherd	Elm Mott

Western Emulsions, Inc.

Disqualified: Provided terms and conditions.



Council Agenda Item Cover Memo December 7, 2015

To: Mayor and City Council
Agenda Item: 9(c) Consider authorizing the purchase of earthen road materials through the interlocal agreement with Fort Bend County for cooperative purchasing.
Submitted by: Sharon Valiante, Assistant Director of Public Works
Alan A. Phillips, Purchasing and Risk Manager

SYNOPSIS

Staff desires to gain authorization to purchase earthen road materials from cooperative purchasing contracts with Fort Bend County. The annual expenditure amount is over \$50,000 and therefore requires council action.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

The City makes numerous purchases of a variety of earthen road materials, including but not limited to crushed concrete, asphalt, stabilized sand, gravel and other materials throughout the course of the year. Most of these purchases are for repairs but some purchases are for improvements and new construction in the City's infrastructure. The City has been purchasing these items through previous contracts awarded by Fort Bend County. However, those contracts have now expired, and historical purchases are cumulatively exceeded the \$50,000 expenditure threshold for a fiscal year. As is City policy, staff seeks Council approval to continue making these purchases and to utilize the contracts awarded by Fort Bend County. The County awarded contract # 15-053 to all bidders meeting specifications on March 5, 2015. A copy of the tabulation is attached. The new contract award is valid through March 31, 2016.

The contract was competitively bid and gives the City access to volume pricing based on the larger purchasing power of the County.

FISCAL ANALYSIS

Individual purchases will be charged to the user department budget in the appropriate budgetary line item, primarily Streets & Drainage materials and Capital Improvement Projects. Contracts are awarded on a unit price basis. Estimated expenditure through March 2016 is approximately \$250,000.00.

SUPPORTING MATERIALS

1. Bid Tabulation

STAFF'S RECOMMENDATION

Authorize staff to purchase earthen road materials on an as-needed basis from the various awarded vendors on the Fort Bend County contract #15-053.

**Fort Bend County Tabulation
 Bid 15-053
 Term Contract for Purchase and Hauling of Earthen Type Road Materials**

Term: April 1, 2015 through March 31, 2016

Awarded Commissioners Court 3/10/15: Award to all bidders meeting specifications

***Amended 9.01.15**

*Asphalt Stabilized Base, THD #292, Black Base without RAP, Price Per Ton											
Lawson 11936- material Lawson 11937- laydown	American Materials	Century Asphalt	Cherry Crushed Concrete	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant	56.00	*54.65							54.75		
Plant											
Plant											
Plant to Jobsite-1st mile	3.00	3.25							3.00		
Each add'l mile	0.20	0.20							0.20		
Laydown	No Bid	14.00		20.00				25.00			
Plant Location	Mo City	Rosenberg							Rosenberg		
Minimum		\$5.25 haul & 800 tons						800 tons			

*Asphalt Stabilized Base, THD #292, Black Base with RAP, Price Per Ton											
Lawson 11938-material Lawson 11939-laydown	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant	51.00	*46.90							46.50		
Plant											
Plant											
Plant to Jobsite-1st mile	3.00	3.25							3.00		
Each add'l mile	0.20	0.20							0.20		
Laydown	No Bid	14.00		20.00				25.00			
Plant Location	Mo City	Rosenberg							Rosenberg		
Minimum		\$5.25 haul & 800 tons						800 tons			

Cement Stabilized Sand, THD & PT #400.5 Portland Cement, Type I, 2 sack minimum, Price Per Ton											
Lawson 11940-material	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant			18.00		23.35						
Plant to Jobsite-1st mile			2.50		3.08						
Each add'l mile			0.25		0.25						
Laydown											
Plant Location			Richmond		Richmond						
Per 1/2 sack cement			2.50		2.75						

Gravel, River Unwashed, 5/8" Diameter Maximum, Price Per Yard											
Lawson 11944-material	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant							18.00			14.50	
Plant to Jobsite-1st mile							3.30			3.00	
Each add'l mile							0.26			0.21	
Plant Location							Garwood			Wallis	

*Hot Mix Asphaltic Concrete Pavement, THD #340, Type D without RAP, Price Per Ton											
Lawson 11945-material Lawson 11946-laydown	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant	63.00	*66.75							60.00		
Plant											
Plant											
Plant to Jobsite-1st mile	3.00	3.25							3.00		
Each add'l mile	0.20	0.20							0.20		
Laydown	No bid	14.00		20.00				25.00			
Plant Location	Mo City	Rosenberg							Rosenberg		
Minimum		\$5.25 haul & 800 tons						800 tons			

Precoated Coverstone, PB-3, Price Per Ton											
Lawson 11950-material Lawson 11951-laydown	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant									69.25	19.00	
Plant											
Plant to Jobsite-1st mile									3.00	0.16	
Each add'l mile									0.20	0.16	
Laydown								25.00			
Plant Location									Rosenberg	Dabney	
Minimum								500 tons			

Precoated Coverstone, PB-4 & PB-5, Price Per Ton											
Lawson 11952-material Lawson 11953-laydown	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant									69.25	20.00	
Plant											
Plant to Jobsite-1st mile									3.00	0.16	
Each add'l mile									0.20	0.16	
Laydown								25.00			
Plant Location									Rosenberg	Dabney	
Minimum								500 tons			

Recycled Asphalt, Screened, 3" Diameter Maximum, Price Per Ton											
Lawson 11954-material	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant			30.00								
Plant to Jobsite-1st mile			2.50								
Each add'l mile			0.25								
Laydown											
Plant Location			Fresno								
Minimum											

Type A Hydrated Lime, THD #264, 90.0% Ca(OH) 2 Min., Delivered in Closed Tankers, Price Per Ton											
Lawson 11955-material	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Delivered and applied						152.00					

Pulverizing Existing Asphalt and/or Base Road , Price Per Foot											
Lawson number beside each item	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Up to 2" Depth 11956				1.55				2.00			
Up to 4" Depth 11957				2.55				3.00			
Up to 6" Depth 11958				3.55				4.00			
Up to 8" Depth 11959				4.55				5.00			
Up to 10" Depth 11960				5.55				6.00			
Up to 12" Depth 11961				6.55				7.00			
Up to 14" Depth 11962				7.55				8.00			
Pulverizing existing 11963				4.05				4.50			
Transported by FBC 11964				50.00				100.00			
Transported by Contractors vehicles 11965				10.00				50.00			

Asphalt Aggregate, limestone Type D, 7/16" by #4 Graduation, Price Per Ton											
Lawson 11969 material	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant							35.00			25.50	
Plant to Jobsite-1st mile							4.05			No Bid	
Each add'l mile							0.26			No Bid	
Plant Location							Rosenberg			Mykawa	
Comment							End Dump			D/F Blend	

Type C, Hot Mix Asphaltic Concrete Pavement: THD #341, Class A Aggregates with PG7622 Oil, Price Per Ton											
Lawson 11970-material Lawson 11971-laydown	American Materials	Century Asphalt	Cherry Crushed	Durwood Greene	Gulf Coast Stabilized Materials	Lhoist North America	Martin Marietta	Silva Division of James Const.	Tarmac Division of James Const.	Vulcan Materials	Waller County Asphalt
Plant	95.00	72.00							90.00		
Plant to Jobsite-1st mile	3.00	3.25							3.00		
Each add'l mile	0.20	0.20							0.20		
Laydown	No bid	14.00		20.00				25.00	Rosenberg		
Plant Location	Mo City	Rosenberg									
Minimum		\$5.25 haul & 800 tons						800 tons			



**Council Agenda Item
December 7, 2015**

- 10. ORDINANCES** – *There are no Ordinances on this agenda.*
-



**Council Agenda Item Cover Memo
December 7, 2015**

To: Mayor and City Council
Agenda Item: 11(a) A resolution granting consent to Fort Bend County Municipal Utility District No. 129 to annex certain land situated within the extraterritorial jurisdiction of the City of Missouri City, Texas
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

This resolution grants consent to the annexation of approximately 12.49 acres of land located within the extraterritorial jurisdiction of the City of Missouri City (the "City") into Fort Bend County Municipal Utility District No. 129 (the "District").

BACKGROUND

The City has received a petition from the District and Duggan Group Investments, Ltd., the owner of the property that is the subject of the petition for annexation, requesting that the City grant consent to the annexation of the 12.49 acres of land into the District. The inclusion of the tract of land into the District will facilitate the provision of water, wastewater utilities and drainage for the land.

FISCAL ANALYSIS

The availability of utilities to the tract may encourage development and enhance the City's future tax base.

SUPPORTING MATERIALS

1. Resolution

STAFF'S RECOMMENDATION

The Department of Public Works does not object to this annexation. Staff recommends considering the resolution granting consent to the annexation of said acreage into Fort Bend County Municipal Utility District No. 129.

RESOLUTION NO. R-15- _

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, GRANTING CONSENT TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 129 TO ANNEX CERTAIN LAND SITUATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MISSOURI CITY, TEXAS.

* * * * *

WHEREAS, Fort Bend County Municipal Utility District No. 129 (the "District") is located within the extraterritorial jurisdiction of the City of Missouri City, Texas; and

WHEREAS, Section 54.016 of the Texas Water Code, as amended, provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city shall be included within a district unless such city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district; and

WHEREAS, on or about November 30, 2015, a petition for consent to annex land lying within the extraterritorial jurisdiction of the City of Missouri City, Texas, to the District was received by the City of Missouri City; and

WHEREAS, said petition, attached hereto as Exhibit "1" and made a part hereof for all purposes, was duly executed by the Board of Directors of the District; and

WHEREAS, Duggan Group Investments, Ltd., the holder to title to the land has petitioned that the land be added to the District; and

WHEREAS, the land sought to be annexed to the District contains an area of approximately 12.49 acres of land, more or less, situated wholly within the extraterritorial jurisdiction of the City of Missouri City, Texas, and within the County of Fort Bend, Texas, and more particularly described by metes and bounds in Exhibit A of the petition in Exhibit "1"; and

WHEREAS, in submitting such petition for consent to annex land, the petitioners have agreed to be bound by certain covenants and conditions as fully set forth in Exhibit "2" and incorporated herein by reference; and

WHEREAS, after due consideration, it is the opinion of the City Council of the City of Missouri City that consent to the annexation of the total 12.49 acres of land into the District should be given; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitals set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City of Missouri City, Texas, hereby consents to the annexation to Fort Bend County Municipal Utility District No. 129 of a tract of land, containing a total of 12.49 acres, more or less, situated wholly within the extraterritorial jurisdiction of the City of Missouri City, Texas, more particularly described by metes and bounds in Exhibit A of the petition in Exhibit "1."

Section 3. The consent to annex granted hereby is subject to the covenants and conditions set forth in Exhibit "2", all of which are agreed to therein by petitioner as same as applies to the current land within the District and its current operation as well as to the proposed annexation of land and future operations of the District. That Fort Bend County Municipal Utility District No. 129 shall further be required to notify the City of all of its meetings of the Board of Directors, stating the date, time and place of same along with the agenda of said meeting; and, further, that the District shall furnish minutes of said meetings to the City.

Section 4. Any and all resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. The City Council of the City of Missouri City, Texas, officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City of Missouri City, Texas, for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting was open to the public as required by law at all times during which this resolution and the subject matter thereof was discussed, considered and formally acted upon. The City Council of the City of Missouri City, Texas, further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Resolution shall take effect immediately from and after its passage and approval by the City Council of the City of Missouri City, Texas.

PASSED, APPROVED and RESOLVED this _____ day of _____, 2015.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

E. Joyce Iyamu, City Attorney

PETITION FOR CONSENT TO ANNEX LAND INTO
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 129

STATE OF TEXAS

COUNTY OF FORT BEND

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MISSOURI CITY,
TEXAS:

Fort Bend County Municipal Utility District No. 129 and Duggan Group Investments, Ltd. (collectively, the "Petitioner"), acting pursuant to the provisions of Chapters 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of Missouri City, Texas, (the "City") for its written consent to the annexation by the District of the 12.49 acre tract of land described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on October 24, 2003. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

Duggan Group Investments, Ltd., holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District. Duggan Group Investments, Ltd., represents that there are no lienholders on the Land.

III.

The Land is situated wholly within Fort Bend County, Texas. All of the Land is within the extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of Missouri City, Texas. No part of the Land is within the limits of any incorporated city, town, or village. All of the Land may properly be annexed into the District.

IV.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, a drainage and storm sewer system..

V.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing

environs of the City, is in close proximity to populous and developed sections of Fort Bend County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system nor an adequate drainage system, and it is not presently economically feasible for the Land to provide for such systems itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system and a drainage and storm sewer system, ., a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage and storm sewer system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is approximately \$325,000.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED as of the 28th day of September, 2015.

FORT BEND COUNTY MUNICIPAL UTILITY
DISTRICT NO. 129,
a political subdivision of the State of Texas



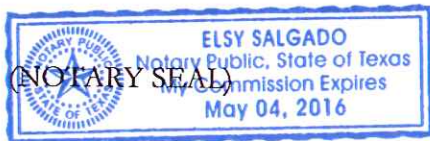
(SEAL)

By: [Signature]
Name: BRIAN A. GRAY
Title: VP

STATE OF TEXAS

COUNTY OF FORT BEND

This instrument was acknowledged before me on this 23rd day of November, 2015, by Brian Gray, as Vice President of the Board of Directors of Fort Bend County Municipal Utility District No. 129, a political subdivision of the State of Texas, on behalf of said political subdivision.

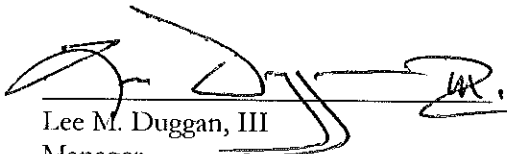


(NOTARY SEAL)

[Signature]
Notary Public, State of Texas

DUGGAN GROUP INVESTMENTS, LTD.,
a Texas limited partnership

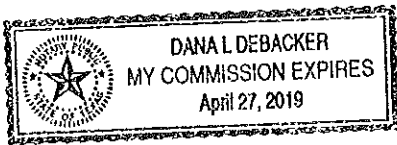
By: Duggan Group Managers, LLC,
its General Partner, a Texas limited liability company

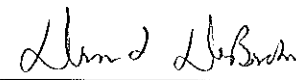
By: 
Lee M. Duggan, III
Manager

STATE OF TEXAS

COUNTY OF Fall River

This instrument was acknowledged before me this 30th day of November, 2015, by Lee M. Duggan, III, Manager of Duggan Group Managers, LLC, a Texas limited liability company and general partner of Duggan Group Investments, Ltd., a Texas limited partnership, on behalf of said limited liability company and limited partnership.





Notary Public, State of Texas

(NOTARY SEAL)

Attachment

Exhibit A - Legal Description of the Land

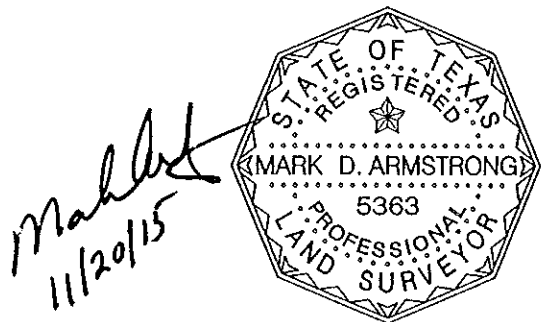
County: Fort Bend
Project: Riverstone: Fort Bend Mud 129 Annex
C.I. No.: 1449-15
Job Number: 2000-012-031

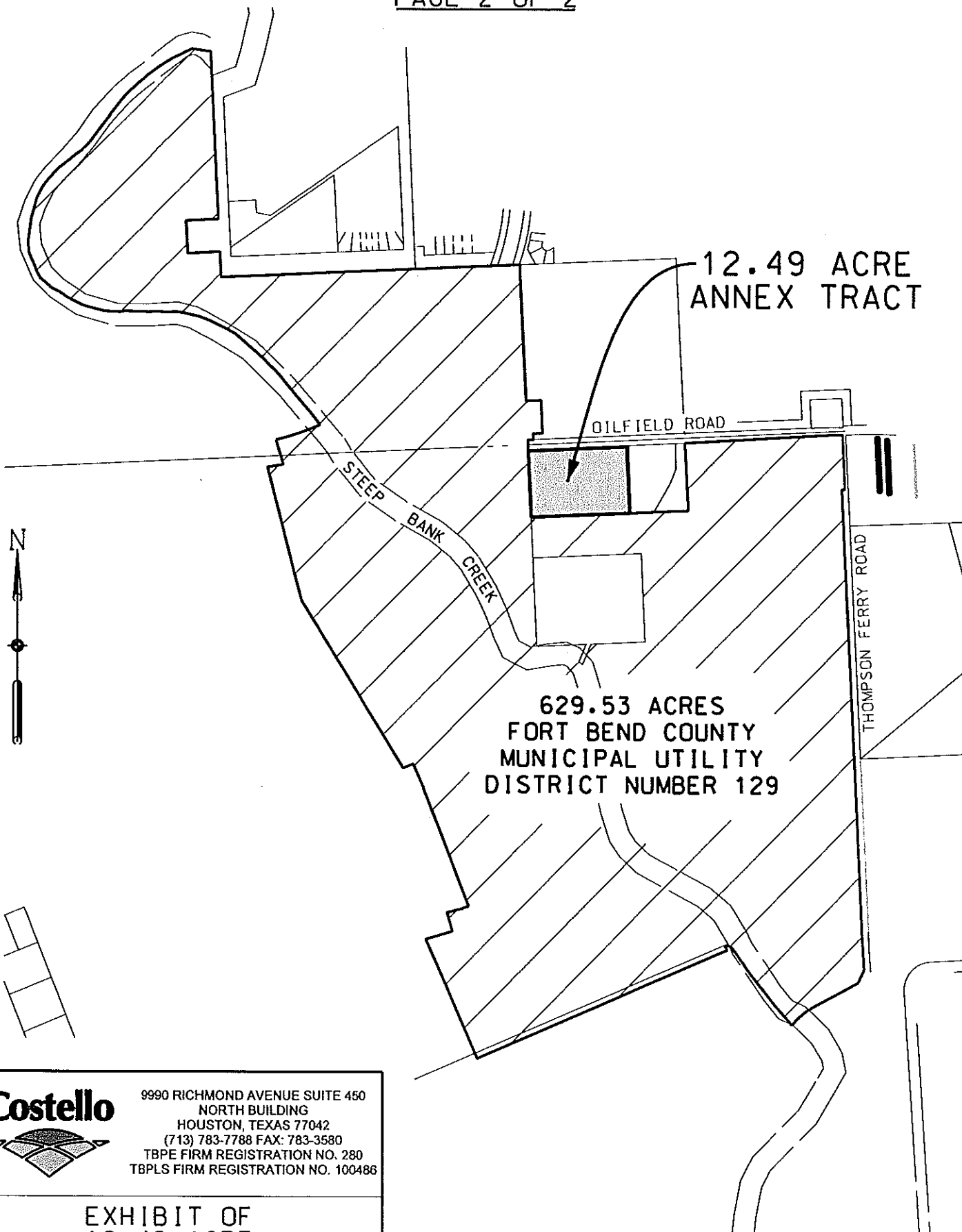
METES AND BOUNDS FOR 12.49 ACRES

Being a 12.49 acre tract of land located in the William Little Survey, Abstract-54, in Fort Bend County, Texas; said 12.49 acre tract being all of a call 12.49 acre tract of land recorded in Clerk's File Number 2012141849 of the Official Records of Fort Bend County (O.R.F.B.C.); said 12.49 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced based on the Texas Coordinate System, South Central Zone and referenced to the east line of Brookside at Riverstone, a subdivision recorded in Plat Number 20070122 of the Fort Bend County Plat Records):

Beginning at a 5/8-inch iron rod found for the southwest corner of said 12.49 acre tract and the northwest corner of Creekstone Village Section Three, a subdivision recorded in Plat Number 20070292 of the Fort Bend County Plat Records, same being on the east line of said Brookside at Riverstone;

1. Thence, with the common line of said 12.49 acre tract and said Brookside at Riverstone, North 02 degrees 41 minutes 32 seconds West, a distance of 598.06 feet to the northeast corner of said Brookside at Riverstone and the northwest corner of said 12.49 acre tract, same being on the south Right-of-Way (R.O.W.) line of Oilfield Road as recorded in Clerk's File Number 2009029294 of the O.R.F.B.C.;
2. Thence, with said south R.O.W. line, North 87 degrees 22 minutes 37 seconds East, a distance of 908.36 feet to the northeast corner of said 12.49 acre tract;
3. Thence, with the east line of said 12.49 acre tract, South 02 degrees 38 minutes 08 seconds East, a distance of 599.99 feet to the southeast corner of said 12.49 acre tract, same being on the north line of aforesaid Creekstone Village Section Three;
4. Thence, with the common line of said 12.49 acre tract and said Creekstone Village Section Three, South 87 degrees 29 minutes 55 seconds West, a distance of 907.77 feet to the **Point of Beginning** and containing 12.49 acres of land.





9990 RICHMOND AVENUE SUITE 450
NORTH BUILDING
HOUSTON, TEXAS 77042
(713) 783-7788 FAX: 783-3580
TBPE FIRM REGISTRATION NO. 280
TBPLS FIRM REGISTRATION NO. 100486

EXHIBIT OF
12.49 ACRE
ANNEXATION TRACT
FORT BEND MUD 129

DRAWN BY: LD	DATE: 11-19-2015	SCALE: 1"=1200'
CHECKED BY: MA	JOB NO: 2000-012-031	144915.DGN

ABBREVIATIONS

P.O.C. - PLACE OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING

Exhibit "2"

A. The District may issue bonds only for the purpose of acquiring, purchasing or constructing, under contract with the City of Missouri City (the "City") or otherwise, waterworks systems, wastewater systems, stormwater systems, drainage facilities, recreational facilities and road facilities, or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, plants, structures and facilities therefor, and to operate and maintain the same, and to sell water, wastewater and other services within or without the boundaries of the District, unless otherwise agreed to by the City. Such bonds shall expressly provide that the District shall reserve the right to redeem said bonds on any interest payment date subsequent to the tenth (10th) anniversary of the date of issuance without premium and shall only be sold after the taking of public bids therefor, other than refunding bonds, which may be sold on a negotiated basis, and none of such bonds, other than refunding bonds, shall be sold for less than ninety-five (95) percent of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, shall not exceed two (2) percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the first date notice of the sale of such bonds is published, and bids for the bonds shall be received not more than forty-five (45) days after notice of sale of the bonds if so published. The resolution or order authorizing the issuance of the District's bonds will contain, if applicable, a provision that the pledge of the revenues from the operation of the District's water and wastewater and/or drainage systems to the payment of the District's bonds will terminate if and when the City annexes the District or takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until the City has given its written consent by action of the City Council on such addition or annexation. No bonds of the District may be issued without specific City consent if the City has given notice to the District that it intends to annex and/or dissolve the District within 365 or fewer days after such notice. The District will promptly provide the City with the Official Statement regarding the issuance of the bonds, once it is complete. If the District is a management district, it shall obtain City approval of all bonds it issues in accordance with Section 375.207, Texas Local Government Code. The District must obtain City approval to issue refunding bonds. Refunding bonds must comply with all City ordinances pertaining the sale of refunding bonds by a District within the City's boundaries or its extra-territorial jurisdiction, as such ordinances may be amended from time to time.

B. Before the commencement of any construction within the District, the District, its directors, officers, or developers and/or landowners shall submit to the Director of the Department of Public Works of the City, or to his designee, all plans and specifications for the construction of water, wastewater, drainage, recreational and road facilities and related improvements to serve the District and obtain the City's written approval of such plans and specifications. All water wells, water meters, flushing valves, valves, pipes and appurtenances thereto, installed or used within the District, shall conform exactly to the then-applicable specifications of the City. All water service lines, wastewater service lines, lift stations, wastewater treatment facilities, road facilities and appurtenances thereto installed or

used within the District, as well as any recreational facilities to be accepted by the City, shall comply with the City's standards, the approved plans and specifications and the then-applicable ordinances, resolutions, or regulations of the City, unless otherwise agreed to in writing by the City and the District. Prior to the construction of such facilities within or by the District, the District or its engineer shall give written notice by registered or certified mail to the Director of Public Works of the City, or his designee, stating the date on which such construction will be commenced. The construction of the District's water, wastewater, drainage, recreational and road facilities shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the City and as approved by the City Engineer and the Director of Public Works of the City. During the progress of the construction and installation of such facilities, a designated representative of the City may make periodic on-the-ground inspections in order to determine that the installation and construction conform with the approved plans and specifications and the applicable standards and specifications of the City. In the event that it is determined by the representative of the City that construction and/or installations are not being performed in conformance with the approved plans and specifications and with the applicable standards and specifications of the City, upon being so informed by a duly designated City representative, the District agrees to discontinue further construction and installation of all facilities until the cause of the non-compliance is resolved.

C. In the event that the District operates a wastewater treatment plant, the District agrees it will employ a wastewater plant operator holding an applicable, valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality ("TCEQ"). If the District operates the plant, the District shall make periodic analyses of its discharge pursuant to the rules of the TCEQ and shall send copies of all such effluent data to the Department of Public Works of the City, as well as to the TCEQ. Representatives of the City may supervise the continued operations of the wastewater treatment facility by making periodic inspections thereof.

D. The District shall not provide water, wastewater or drainage facilities to any tract of land until the owner or developer of said tract has, prior to the sale of any subdivided lots or parcels of land, duly recorded a plat in the map and plat records of the county in which the District lies and which plat has been previously approved by the Planning and Zoning Commission of the City. If the District contracts with the City for water supply or wastewater treatment services, the District may not provide service to any land outside its boundaries without the prior written consent of the City.



**Council Agenda Item Cover Memo
December 7, 2015**

To: Mayor and City Council
Agenda Item: 11(b) A resolution granting consent to Fort Bend County Levee Improvement District No. 19 to annex certain land situated within the extraterritorial jurisdiction of the City of Missouri City, Texas
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

This item relates to the same property to which item 11(a) relates. This resolution grants consent to the annexation of approximately 12.49 acres of land located within the extraterritorial jurisdiction of the City of Missouri City (the "City") into Fort Bend County Levee Improvement District No. 19 (the "District").

BACKGROUND

The City has received a petition from the District and Duggan Group Investments, Ltd., the owner of the property that is the subject of the petition for annexation, requesting that the City grant consent to the annexation of the 12.49 acres of land into the District. The inclusion of the tract of land into the District will facilitate the provision of water, wastewater utilities and drainage for the land.

FISCAL ANALYSIS

The availability of utilities to the tract may encourage development and enhance the City's future tax base.

SUPPORTING MATERIALS

1. Resolution

STAFF'S RECOMMENDATION

The Department of Public Works does not object to this annexation. Staff recommends that City Council consider the resolution granting consent to the annexation of said acreage into Fort Bend County Levee Improvement District No. 19.

RESOLUTION NO. R-15-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, GRANTING CONSENT TO FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 19 TO ANNEX CERTAIN LAND SITUATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MISSOURI CITY, TEXAS.

* * * * *

WHEREAS, Fort Bend County Levee Improvement District No. 19 (the "District") is located within the extraterritorial jurisdiction of the City of Missouri City, Texas; and

WHEREAS, Section 42.0425 of the Texas Local Government Code, as amended, provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city shall be included within a district unless such city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district; and

WHEREAS, on or about November 30, 2015, a petition for consent to annex land lying within the extraterritorial jurisdiction of the City of Missouri City, Texas, to the District was submitted to the City of Missouri City; and

WHEREAS, said petition, attached hereto as Exhibit "1" and made a part hereof for all purposes, was duly executed by the District; and

WHEREAS, Duggan Group Investments, Ltd., the holder to title to the land, has also petitioned that the land be added to the District; and

WHEREAS, the land sought to be annexed into the District contains an area of 12.49 acres of land, more or less, situated wholly within the extraterritorial jurisdiction of the City of Missouri City, Texas, and the County of Fort Bend, Texas, and is more particularly described by metes and bounds in Exhibit A of Exhibit "1"; and

WHEREAS, in submitting such petition for consent to annex land, the petitioners have agreed to be bound by certain covenants and conditions as fully set forth in Exhibit "2" and incorporated herein by reference; and

WHEREAS, after due consideration, it is the opinion of the City Council of the City of Missouri City that consent to the annexation of additional territory into the District should be given; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitals set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City of Missouri City, Texas, hereby consents to the annexation to Fort Bend County Levee Improvement District No. 19, of a tract of land, containing 12.49 acres of land, situated wholly within the extraterritorial jurisdiction of the City of Missouri City, Texas, within the County of Fort Bend, Texas, and more particularly described by metes and bounds in Exhibit A of Exhibit "1".

Section 3. The consent to annex granted hereby is subject to the covenants and conditions set forth in Exhibit "2", all of which are agreed to therein by petitioner as same as applies to the current land within the District and its current operation as well as to the proposed annexation of land and future operations of the District. That Fort Bend County Levee Improvement District No. 19 shall further be required to notify the City of all of its meetings of the Board of Directors, stating the date, time and place of same along with the agenda of said meeting; and, further, that the District shall furnish minutes of said meetings to the City.

Section 4. Any and all resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. The City Council of the City of Missouri City, Texas, officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City of Missouri City, Texas, for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting was open to the public as required by law at all times during which this resolution and the subject matter thereof was discussed, considered and formally acted upon. The City Council of the City of Missouri City, Texas, further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Resolution shall take effect immediately from and after its passage and approval by the City Council of the City of Missouri City, Texas.

PASSED, APPROVED and RESOLVED this _____ day of _____, 2015.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

E. Joyce Iyamu, City Attorney

PETITION FOR CONSENT TO ANNEX LAND INTO
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 19

STATE OF TEXAS

COUNTY OF FORT BEND

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MISSOURI CITY,
TEXAS:

Fort Bend County Levee Improvement District No. 19 and Duggan Group Investments, Ltd. (collectively, the "Petitioner"), acting pursuant to the provisions of Chapters 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of Missouri City, Texas, (the "City") for its written consent to the annexation by the District of the 12.49 acre tract of land described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a conservation and reclamation district duly created by the Commissioners Court of Fort Bend County on October 24, 2006. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 57, Texas Water Code.

II.

Duggan Group Investments, Ltd., holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District. Duggan Group Investments, Ltd., represents that there are no lienholders on the Land.

III.

The Land is situated wholly within Fort Bend County, Texas. All of the Land is within the extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of Missouri City, Texas. No part of the Land is within the limits of any incorporated city, town, or village. All of the Land may properly be annexed into the District.

IV.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance or operation of a drainage, road, and recreational system.

V.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City, is in close proximity to populous and developed sections of Fort Bend County,

and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate drainage, road, and recreational system, and it is not presently economically feasible for the Land to provide for such systems itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate drainage, road, and recreational system, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage, road, and recreational system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the District's facilities are adequately sized to serve the Land without additional expense to the District.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED as of September 28, 2015.

FORT BEND COUNTY LEVEE IMPROVEMENT
DISTRICT NO. 19

a political subdivision of the State of Texas

By: J. Michael Dinges
J. Michael Dinges, President

(SEAL)



STATE OF TEXAS

COUNTY OF FORT BEND

This instrument was acknowledged before me on this 23rd day of November, 2015, by J. Michael Dinges, as President of the Board of Directors of Fort Bend County Levee Improvement District No. 19, a political subdivision of the State of Texas, on behalf of said political subdivision.

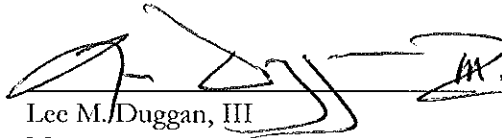
Tara A. Miles
Notary Public, State of Texas

(NOTARY SEAL)



DUGGAN GROUP INVESTMENTS, LTD.,
a Texas limited partnership

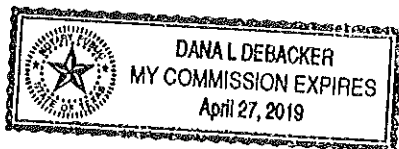
By: Duggan Group Managers, LLC,
its General Partner, a Texas limited liability company,

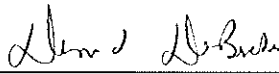
By: 
Lee M. Duggan, III
Manager

STATE OF TEXAS

COUNTY OF FOAT BEND

This instrument was acknowledged before me this 3rd day of November, 2015, by Lee M. Duggan, III, Manager of Duggan Group Managers, LLC, a Texas limited liability company and general partner of Duggan Group Investments, Ltd., a Texas limited partnership, on behalf of said limited liability company and limited partnership.





Notary Public, State of Texas

(NOTARY SEAL)

Attachment

Exhibit A - Legal Description of the Land

County: Fort Bend
Project: Riverstone: Fort Bend LID 19 Annex Tract
C.I. No.: 1451-15
Job Number: 2005-153-019

METES AND BOUNDS FOR 12.49 ACRES

Being a 12.49 acre tract of land located in the William Little Survey, Abstract-54, in Fort Bend County, Texas; said 12.49 acre tract being all of a call 12.49 acre tract of land recorded in Clerk's File Number 2012141849 of the Official Records of Fort Bend County (O.R.F.B.C.); said 12.49 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced based on the Texas Coordinate System, South Central Zone and referenced to the east line of Brookside at Riverstone, a subdivision recorded in Plat Number 20070122 of the Fort Bend County Plat Records):

Beginning at a 5/8-inch iron rod found for the southwest corner of said 12.49 acre tract and the northwest corner of Creekstone Village Section Three, a subdivision recorded in Plat Number 20070292 of the Fort Bend County Plat Records, same being on the east line of said Brookside at Riverstone;

1. Thence, with the common line of said 12.49 acre tract and said Brookside at Riverstone, North 02 degrees 41 minutes 32 seconds West, a distance of 598.06 feet to the northeast corner of said Brookside at Riverstone and the northwest corner of said 12.49 acre tract, same being on the south Right-of-Way (R.O.W.) line of Oilfield Road as recorded in Clerk's File Number 2009029294 of the O.R.F.B.C.;
2. Thence, with said south R.O.W. line, North 87 degrees 22 minutes 37 seconds East, a distance of 908.36 feet to the northeast corner of said 12.49 acre tract;
3. Thence, with the east line of said 12.49 acre tract, South 02 degrees 38 minutes 08 seconds East, a distance of 599.99 feet to the southeast corner of said 12.49 acre tract, same being on the north line of aforesaid Creekstone Village Section Three;
4. Thence, with the common line of said 12.49 acre tract and said Creekstone Village Section Three, South 87 degrees 29 minutes 55 seconds West, a distance of 907.77 feet to the **Point of Beginning** and containing 12.49 acres of land.

Mark D. Armstrong
11/25/15





OILFIELD ROAD

STEEP BANK CREEK

12.49 ACRE
ANNEX TRACT

THOMPSON FERRY ROAD

FORT BEND COUNTY
LEVEE IMPROVEMENT
DISTRICT NUMBER 19
BOUNDARY MAP OF
778.53 ACRES

STEEP BANK CREEK



9990 RICHMOND AVENUE SUITE 450
NORTH BUILDING
HOUSTON, TEXAS 77042
(713) 783-7788 FAX: 783-3580
TBPE FIRM REGISTRATION NO. 280
TBPLS FIRM REGISTRATION NO. 100486

EXHIBIT OF
12.49 ACRE
ANNEXATION TRACT
FORT BEND LID 19

DRAWN BY: LD	DATE: 11-24-2015	SCALE: 1"=1300'
CHECKED BY: MA	JOB NO: 2005-153-019	145115.DGN

ABBREVIATIONS

P.O.C. - PLACE OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING

S:\V\W\River\town\2005\153\019\145115.dgn

S:\V\W\River\town\2005\153\019\145115.dgn

EXHIBIT "2"

(a) Bonds may be issued by the District only for the purposes of purchasing, constructing and maintaining levees and other improvements on, along, and contiguous to rivers, creeks, and streams; for reclaiming lands from overflow from these streams; for controlling and distributing the waters of rivers and streams by straightening and otherwise improving them; for providing for the proper drainage and other improvement of the reclaimed land; for entering into all necessary and proper contracts and employment of all persons and means necessary to purchase, acquire, build, construct, complete, carry out, maintain, protect, and in case of necessity, add to and rebuild all works and improvements within the district necessary or proper to fully accomplish a reclamation plan of the District; to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, structures and facilities therefore, for the purpose of purchasing, constructing and maintaining park and recreational facilities, and to maintain same within the boundaries of the District; and for the purpose of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, improving, extending, or paying for roads or facilities in aid thereof, and all works, improvements, facilities, equipment, appliances, interests in property, and contract rights necessary or convenient therefor, all as authorized by law. Such bonds shall expressly provide that the District shall reserve the right to redeem such bonds on any interest payment date subsequent to the fifteenth anniversary of the date of issuance without premium, and shall only be sold after the taking of public bids therefore, other than refunding bonds which may be sold on a negotiated basis, and none of such bonds, other than refunding bonds, shall be sold for less than ninety-five (95) percent of par, provided the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, shall not exceed two (2) percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during one month period next preceding the date notice of the sale of such bonds is given, and bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds, if given.

(b) The District shall provide the City Manager of the City with reasonable notice of all meetings of its governing Board of Directors by mailing to the City Manager a copy of each notice and agenda of each such meeting held by the District. In addition, the District shall provide the City Manager with a certified copy of all minutes of such meetings.

On an annual basis, the District shall file with the City Secretary and City Manager of the City a copy of its annual audit report, a report on the status of construction and bond sales, and a copy of its proposed budget for the following year showing expenses, income and revenue.



**Council Agenda Item Cover Memo
December 7, 2015**

To: Mayor and City Council
Agenda Item: 11(c) Consider a resolution designating certain officials to maintain a city account or accounts with Amegy Bank National Association and containing other provisions relating to the subject.
Submitted by: Michael Higgins, Interim Finance Director

SYNOPSIS

The City needs to update the signature card on file with Amegy Bank to reflect the new City Manager.

BACKGROUND

The signature card on file with Amegy Bank was last updated February 2015, when the Interim City Manager, new Mayor Pro Tem and Interim Finance Director were appointed. Currently, Mayor Allen Owen, Mayor Pro-Tem Don Smith, Assistant City Manager Bill Atkinson, and Interim Finance Director Michael Higgins are listed on the account. Effective December 1, 2015, Anthony Snipes has been named City Manager. As a result of this change, the signature card on file with Amegy Bank needs to be updated.

SUPPORTING MATERIALS

1. Resolution, including Exhibit A, (Signature Card to be signed- *forthcoming*)

STAFF'S RECOMMENDATION

Adopt the resolution updating the signature card with Amegy Bank to reflect the new City Manager.

RESOLUTION NO. R-15__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING THE DESIGNATION OF CERTAIN OFFICIALS FOR THE MAINTENANCE OF A CITY ACCOUNT OR ACCOUNTS WITH AMEGY BANK NATIONAL ASSOCIATION; AMENDING RESOLUTION NO. R-12-10, ADOPTED ON MARCH 19, 2012, AS AMENDED BY RESOLUTION NO. R-15-06, ADOPTED ON FEBRUARY 2, 2015; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HERewith; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, Amegy Bank National Association ("Bank") was duly awarded a depository banking contract with the City of Missouri City ("City"); and

WHEREAS, it is necessary to amend the designation of those City officials who have authority to act on behalf of the City in transacting business with the Bank; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. Resolution No. R-12-10, adopted on March 19, 2012, as amended by Resolution No. R-15-06, adopted on February 2, 2015, is hereby amended by deleting Exhibit A thereof and substituting therefor a new Exhibit A, attached hereto and made a part hereof for all purposes.

Section 3. *Repeal.* All resolutions or parts of resolutions, if any, in conflict herewith, shall be and are expressly repealed to the extent of such conflict.

PASSED and APPROVED this 7th day of December, 2015.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

E. Joyce Iyamu, City Attorney



Council Agenda Item Cover Memo December 7, 2015

To: Mayor and City Council
Agenda Item: 11(d) Consider a resolution designating certain officials to maintain the account with Amegy National Bank Association for the City of Missouri City Nonprofit Trust for the payment of certain employee benefits and containing other provisions relating to the subject.
Submitted by: Michael Higgins, Interim Finance Director

SYNOPSIS

The City needs to update the signature card on file with Amegy Bank to reflect as a result of the appointment of the new City Manager, Anthony Snipes, to maintain the City's trust account.

BACKGROUND

The City adopted a group insurance benefits trust (the "trust") in 2013. The trust agreement must name an appointed trustee, who is the City Manager or his designee as trustee. The signature card on file with Amegy Bank was last updated in February 2015, when the Interim City Manager Bill Atkinson was appointed trustee. City Council has appointed Anthony Snipes as the new City Manager effective December 1, 2015.

SUPPORTING MATERIALS

1. Resolution, including Exhibit A, (signature card to be signed – *forthcoming*)
2. Trust Account Certification– *forthcoming*
3. Convenience Account Agency Agreement – *forthcoming*

STAFF'S RECOMMENDATION

Adopt the resolution updating the signature card, trust account certification and convenience account agency agreement with Amegy Bank to reflect the new City Manager.

RESOLUTION NO. R-15-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING THE DESIGNATION OF CERTAIN OFFICIALS FOR THE MAINTENANCE OF THE ACCOUNT WITH AMEGY BANK NATIONAL ASSOCIATION FOR THE CITY OF MISSOURI CITY NONPROFIT TRUST FOR THE PAYMENT OF CERTAIN EMPLOYEE BENEFITS; AMENDING RESOLUTION NO. R-13-21, ADOPTED ON AUGUST 5, 2013, AS AMENDED BY RESOLUTION NO. R-15-07, ADOPTED ON FEBRUARY 2, 2015; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HERewith; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to Resolution No. R-13-21, the City Council of the City of Missouri City (the "City") established the City of Missouri City Insurance Trust Fund (the "Trust"); and

WHEREAS, the Trust is maintained with Amegy Bank National Association ("Bank"); and

WHEREAS, pursuant to Resolution No. R-15-07, the City Council amended the designation of those City officials who had authority to act on behalf of the City in transacting Trust business with the Bank; and

WHEREAS, it is necessary to amend the designation of those City officials who have authority to act on behalf of the City in transacting Trust business with the Bank; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. Resolution No. R-13-21, adopted on August 5, 2013, as amended by Resolution No. R-15-07, adopted on February 2, 2015, is hereby amended by deleting Exhibit B thereof and substituting therefor a new Exhibit B, attached hereto and made a part hereof for all purposes.

Section 3. *Repeal.* All resolutions or parts of resolutions, if any, in conflict herewith, shall be and are expressly repealed to the extent of such conflict.

PASSED and APPROVED this ____ day of _____, 2015.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Gonzalez, City Secretary

E. Joyce Iyamu, City Attorney



**Council Agenda Item
December 7, 2015**

12. CITY COUNCIL ANNOUNCEMENTS

Discussion, review, and possible action regarding a meeting or activity of one or more of the following entities (each entity refers to a City of Missouri City entity unless otherwise indicated):

Charter Review Commission, Community Development Advisory Committee, Construction Board of Adjustments, Electrical Board, Parks Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone Boards, Fort Bend Chamber of Commerce, Houston-Galveston Area Council, Fort Bend Regional Council, Texas Municipal League, Fort Bend County, Harris County, Gulf Coast Building and Construction Trades Council, Mayor's Youth Commission, Finances and Services Committee, Fort Bend Leadership Forum, Fort Bend County Drainage District, Economic Development Committee, Missouri City Police and Fire Auxiliary, Livable Community Committee, Texas Parkway Alliance, High Performance Organization Committee, Missouri City Juneteenth Celebration Foundation, Fort Bend County Mayor and Council Association, METRO, Planning, Development and Infrastructure Committee, Fort Bend Independent School District, Greater Fort Bend Economic Development Coalition, Transportation Policy Council, Community Development Advisory Committee, Technical Advisory Committee, Veterans Memorial Committee, Missouri City Recreation and Leisure Local Government Corporation, Missouri City Development Authority, and Greater Houston Partnership.

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provisions of the Government Code:

14. RECONVENE

Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. ADJOURN
